

APPROVED ORDINANCE PROVISIONS
October 30, 2013
AA 01-H-001

If it is the intent of the Board of Supervisors to renew the Potomac Vegetable Farm II Local Agricultural and Forestal District, as proposed in Application AA 01-H-001, pursuant to Chapter 44 of Title 15.2 of the Code of Virginia and Chapter 115 of the Fairfax County Code on Tax Maps 19-1((14))-Z, -20A, 20Z, 21A, 21Z, 22A, 22Z, 23A, 23Z and 19-3((1))-42Z2, the staff recommends that the approval be subject to the following Ordinance Provisions:

Standard Provisions (From Chapter 115)

- (1) That no parcel included within the district shall be developed to a more intensive use than its existing use at the time of adoption of the ordinance establishing such district for eight years from the date of adoption of such ordinance. This provision shall not be construed to restrict expansion of or improvements to the agricultural or forestal use of the land, or to prevent the construction of one (1) additional house within the district, where otherwise permitted by applicable law, for either an owner, a member of an owner's family, or for a tenant who farms the land.
- (2) That no parcel added to an already established district shall be developed to a more intensive use than its existing use at the time of addition to the district for eight years from the date of adoption of the original ordinance.
- (3) That land used in agricultural and forestal production within the agricultural and forestal district of local significance shall automatically qualify for an agricultural and forestal value assessment on such land pursuant to Chapter 4, Article 19 of the Fairfax County Code and to Section 58.1-3230 et seq. of the Code of Virginia, if the requirements for such assessment contained therein are satisfied.
- (4) That the district shall be reviewed by the Board of Supervisors at the end of the eight-year period and that it may, by ordinance, renew the district or a modification thereof for another eight-year period. No owner(s) of land shall be included in any agricultural and forestal district of local significance without such owner's written approval.

Additional Provisions

- (5) The applicants shall implement and abide by the recommendations of the Soil and Water Conservation Plan which was prepared by the Northern Virginia Soil and Water Conservation District on September 5, 2013, for the life of the Potomac Vegetable Farm II Local Agricultural and Forestal District. The Soil and Water Conservation Plan may be updated from time to time, as

determined necessary by the Northern Virginia Soil and Water Conservation District.

- (6) The applicant shall implement and abide by the recommendations of the Forest Management Plan, which was prepared by the Area Forester on July 20, 2009, for the life of the Potomac Vegetable Farm II Local Agricultural and Forestal District. The Forest Management Plan may be updated from time to time as determined necessary by the Area Forester.
- (7) Stock piles of organic nutrients that may contain animal manure shall be stored in a manner that prevents high concentrates of leachates from entering Wolftrap Creek. Such preventive measures may include diversion dikes, berms, increased buffers, filter trenches and/or BMP basins.
- (8) Those areas delineated as Environmental Quality Corridors (EQCs) shall be left undisturbed, with the exception of selective thinning operations and removal of noxious weeds and invasive species performed to enhance existing vegetation and the removal of dead, dying and diseased vegetation, as approved by the Urban Forest Management Branch of Fairfax County. The boundaries of the EQC shall be the permanent limits of clearing and grading for the life of the Potomac Vegetable Farm II Local Agricultural and Forestal District (see attached map).
- (9) The Resource Management Division of the Fairfax County Park Authority shall be permitted to survey the property and to recover artifacts from the property for the life of the Potomac Vegetable Farm II Local Agricultural and Forestal District. Surveys and other similar activities of the Resource Management Division shall be conducted only with prior permission of the property owner and at terms mutually acceptable to both parties and established before each occurrence.
- (10) The establishment and continuation of this district depends upon the continuing legality and enforceability of each of the terms and conditions stated in this ordinance. This district may, at the discretion of the Board of Supervisors, be subject to reconsideration and may be terminated, if warranted in the discretion of the Board of Supervisors upon determination by a court or any declaration or enactment by the General Assembly that renders any provisions illegal or unenforceable, or upon the determination that the terms and conditions stated in this ordinance are not being implemented. The reconsideration/termination shall be in accordance with the procedures for the establishment, renewal, or amendment of an A&F District, as outlined in Section 115 of the County Code, and shall include an opportunity for the property owner(s) to demonstrate that any determination by a court or declaration or enactment by the General Assembly does not apply to the conditions of this district.